

**To:** Capacasa, Jon[Capacasa.jon@epa.gov]  
**From:** Ferrell, Mark  
**Sent:** Wed 1/22/2014 5:43:01 PM  
**Subject:** Re: West Virginia Governor Introduces Legislation in Wake of Chemical Spill

I'm at the statehouse today, Jon. The Senate has introduced a bill I think we'll like much better than the governor's. Ill send you more detail in a couple hours.

Mark

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**From:** Capacasa, Jon  
**Sent:** Wednesday, January 22, 2014 12:34:52 PM  
**To:** Ferrell, Mark  
**Subject:** FW: West Virginia Governor Introduces Legislation in Wake of Chemical Spill

Mark - could you help us stay close to legislative developments in the state in the aftermath of the spill. Especially any source water protection bills. I understand there may be a couple of bills introduced.

Somehow be good to synthesize for sharing up the line soon so folks are aware in the daily reports. We can attach to a daily report on the spill.

Thanks,

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**From:** Wisniewski, Patti-Kay  
**Sent:** Wednesday, January 22, 2014 11:37 AM  
**To:** Arguto, William; Kanetsky, Charles; binetti, victoria; Capacasa, Jon  
**Subject:** Fw: West Virginia Governor Introduces Legislation in Wake of Chemical Spill

Good news for source water protection in WV.

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**From:** Erik Ross <ERoss@epa.gov> Ex. 6 - Personal Privacy  
**Sent:** Wednesday, January 22, 2014 11:34:10 AM  
**To:** Erik Ross  
**Subject:** West Virginia Governor Introduces Legislation in Wake of Chemical Spill

FYI

# West Virginia Governor Introduces Legislation in Wake of Chemical Spill

Source: the Charleston Daily Mail | January 21, 2014

Gov. Earl Tomblin is confident law changes he's proposing will give the state greater oversight of facilities like the one responsible for the recent chemical leak that left 300,000 people without safe tap water.

The legislation, called the "**West Virginia Source Water Protection Act**," also outlines safety procedures for water companies and others in the event of a similar leak in the future.

"Make no mistake: The discharge of chemicals or other contaminants is unacceptable," Tomblin said. "And neither I, nor anyone standing here with me today, will tolerate it in West Virginia."

Sen. Joe Manchin, D-W.Va., state Senate President Jeff Kessler, D-Marshall, and House of Delegates Speaker Tim Miley, D-Harrison, joined Tomblin Monday as he unveiled the proposal.

Questions arose about state and federal regulations after the Jan. 9 spill at Freedom Industries, located along the Elk River just north of Charleston.

Officials believe as much as 7,500 gallons of crude MCHM leaked from a storage tank at the facility. An unknown amount then seeped through an old concrete wall and into the river, eventually contaminating water at the West Virginia American Water Co. treatment facility about a mile downstream.

The Freedom Industries site had only a storm water permit from the state Department of Environmental Protection. Facilities that store chemicals are not as regulated as those that produce them or create emissions, DEP Secretary Randy Huffman said after the press conference.

Tomblin's 39-page proposal focuses on a variety of regulatory issues brought to light following the Freedom leak.

It creates an aboveground storage tank regulatory program, which would be funded by annual fees collected from storage tank facilities and public water systems.

The storage facilities would also pay into a separate "**Leaking Industrial Aboveground Storage Tank Response Fund**."

This article was printed from: <http://www.governing.com/news/headlines/West-Virginia-Governor-Introduces-Legislation-in-Wake-of-Chemical-Spill.html>

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